

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE EDWARD ANDREWS GROUP, INC.,

Plaintiff,

07 Civ. 4607 (AJP)

-against-

ADDRESSING SERVICES COMPANY, INC.,

Defendant.

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**Declaration of Eric B. Fisher in Opposition to
Motion In Limine and in Support of Cross-Motion**

ERIC B. FISHER, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an attorney admitted to practice in the State of New York and before this Court. I am a member of the firm Morgenstern Fisher & Blue, LLC, attorneys for defendant Addressing Services Company ("ASCO").
2. I submit this declaration in opposition to the motion *in limine* filed by plaintiff The Edward Andrews Group ("EAG"), and in support of ASCO's cross-motion for an order (i) granting ASCO leave to file a motion for summary judgment or (ii) in the alternative, precluding EAG from contending at trial that the language of the release does not bar EAG's claims.
3. Attached hereto are true and correct copies of the following documents:
 - Exhibit A – Excerpt from the deposition transcript of Michael Rittlinger;
 - Exhibit B – Excerpt from the deposition transcript of Timothy Brog;
 - Exhibit C – Preliminary Pre-Trial Statement dated October 2, 2007;
 - Exhibit D – Hearing Transcript dated October 9, 2007; and

Exhibit E – Joint Pre-Trial Order.

4. For the reasons set forth in the accompanying memorandum of law, ASCO respectfully requests that this Court enter an order: (i) denying EAG's motion *in limine*; (ii) granting ASCO leave to file a motion for summary judgment (iii) in the alternative, precluding EAG from contending at trial that the language of the release does not bar EAG's claims; and (iv) granting such other and further relief as the Court deems just and proper.

Executed this 20th day of March, 2008
New York, New York

/s/ Eric B. Fisher
Eric B. Fisher